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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,594	10/24/2003	Rodney George Wade	CULLE-16	7315

23599 7590 06/02/2005

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EXAMINER

CHAPMAN, JEANETTE E

ART UNIT PAPER NUMBER

3635

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,594

Applicant(s)

WADE, RODNEY GEORGE

Examiner

Chapman E Jeanette

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-8, 12-15, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 1, 16, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

35 USC 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-8, 12-15, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wade (5526612) in view of Ruey-Jang et al (5037541)(RJ). Wade discloses a rain head having:

1. an inlet and an outlet. See column 3, lines 35-39
2. a primary filter 18, through which water from an inlet may flow
3. the primary filter is a stainless steel mesh screen with a mesh size of 5mm. Thus the mesh size is between 4mm and 1.5 mm
4. a secondary filter 23 through which water passing through the primary filter may flow
5. a tertiary filter 30 located between the secondary filter and the outlet 17
6. a down pipe 17/22 connecting portion extending from the free end of the connecting portion 14 extending from a free end of the connecting portion providing the inlet for the rain head
7. the down pipe consist of two spigots 17/22 concentrically aligned with relative to one another
8. the rain head has a stepped periphery

Wade lacks the filtering means increasing from the primary to the tertiary filter; in other words the pore hole sizes decrease from the top filter to the bottom filter. RJ et al discloses filters where the pore hole size decreases in size from the top to the bottom. See column 2, lines 60-65. It would have been obvious to one of ordinary skill in the art to modify Wade to include the decreasing pore size from the primary to the tertiary filter. Improve the filtering aspects of the device as shown by RJ.

Wade lacks the specific type of tertiary material being formed of several ~~to~~ nonwoven geotextile material with the recited thickness separating particle ~~down~~ to 50 *gf* micron from water passing therethrough. One of ordinary skill in the art would have appreciated employing any tertiary filter known in the art capable of performing the desired function.

Claims 1, 11, 16, 19-20 are objected to as depending upon a rejected base claim but would be considered allowable if amended to include the base claim and any intervening claims. ***Note: claim 16 contains the allowable subject matter. Claim 1 is only allowable as it depends on claim 16.***

Applicant's arguments are moot given the new ground of rejection

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanette Chapman whose telephone number is 571-272-6841. The examiner can normally be reached on Monday through Thursday from 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeanette Chapman
Primary Examiner